THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.23417 of 2007

Dated: 06-11-2007

Between:

M/s.Keane India Limited
Sri Bhimaraju Sudhakar Srinivas.

...Petitioner

and

The Additional Commissioner (CT) (Legal)
Nampally, Hyderabad & others.

...Respondents

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WRIT PETITION No.23417 of 2007

Dated: 06-11-2007

Order: (Per The Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties and with their consent, the Writ Petition is being disposed of at this stage.

Appeal filed by the petitioner against an order dated 19-03-2007 levying penalty passed by the third

respondent-Commercial Tax Officer is pending before the second respondent-Appellate Deputy Commissioner but the stay petition was rejected. The grievance of the petitioner is that he filed revision stay petition before the first respondent-Additional Commissioner, who has heard the matter, but no order has so far been communicated to him.

In this view of the matter, we feel that the interest of justice would be met if stay of recovery of the disputed penalty is granted pending appeal, subject to deposit of 25% of the disputed penalty. Therefore, we direct that 25% of the disputed penalty shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

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(Bilal Nazki, J)

Dated 6th November, 2007

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(Ramesh Ranganathan, J)

Note:
Wire at party's costs.
B/o
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